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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN REGINALD SEIDENBERG,

Defendant.

No. CR 08-1007-DDP

GOVERNMENT'S POSITION RE:
SENTENCING OF DEFENDANT JOHN
REGINALD SEIDENBERG

Sentencing Date: Sep. 21, 2009

Sentencing Time: 1:30 p.m.

On August 17, 2009, the United States Probation Office ("USPO") disclosed its Presentence Investigation Report ("PSR") for defendant JOHN REGINALD SEIDENBERG ("defendant"). The government has reviewed the PSR and concurs with the USPO's factual findings, criminal history category calculation, Sentencing Guidelines calculation, and recommendation that defendant be sentenced to 60 months imprisonment followed by a four-year term of supervised release. (See Recommendation Letter from Robert Klepa to the Honorable Dean D. Pregerson at 1.)

The PSR notes that defendant could be eligible for a two-level offense level reduction if he meets the five criteria of the "safety

1 valve" provision of U.S.S.G. § 5C1.2. (PSR ¶ 32.) However, because
2 defendant has not met with the government to provide information and
3 evidence regarding his offenses, he has not satisfied the fifth
4 criterion and is not currently eligible for a sentence below the
5 mandatory minimum sentence of 60 months imprisonment. Cf. U.S.S.G.
6 § 5C1.2(a)(5).

7 To date, defendant has not filed a sentencing brief.¹

8 Dated: August 18, 2009

Respectfully submitted,

9 THOMAS P. O'BRIEN
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10 CHRISTINE C. EWELL
11 Assistant United States Attorney
12 Chief, Criminal Division

13 /s/
JENNIE WANG SEXTON
14 Assistant United States Attorney

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

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27 ¹ The government has not received defendant's position re:
28 sentencing. The government requests that, if defendant files a
position re: sentencing, the government be granted leave to file a
response.